

BOIES SCHILLER FLEXNER LLP  
RICHARD J. POCKER (NV Bar No. 3568)  
300 South Fourth Street, Suite 800  
Las Vegas, NV 89101  
Telephone: 702.382.7300  
Facsimile: 702.382.2755  
rpocker@bsflp.com

BOIES SCHILLER FLEXNER LLP  
SIGRID S. MCCAWLEY (admitted *pro hac vice*)  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
Telephone: 954.356.0011  
smccawley@bsflp.com

BOIES SCHILLER FLEXNER LLP  
SABINA MARIELLA (admitted *pro hac vice*)  
LINDSEY RUFF (admitted *pro hac vice*)  
55 Hudson Yards  
New York, NY 10001  
Telephone: 212.446.2300  
smariella@bsflp.com  
lruff@bsflp.com

*Attorneys for Plaintiffs Sage Humphries,  
Gina Menichino, RoseMarie DeAngelo,  
Danielle Gutierrez, and Jane Doe 100*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SAGE HUMPHRIES, GINA MENICHINO,  
ROSEMARIE DeANGELO, DANIELLE  
GUTIERREZ and JANE DOE 100,

Plaintiffs,

vs.

MITCHELL TAYLOR BUTTON and  
DUSTY BUTTON,

Defendants.

Case Number: 2:21-cv-01412-APG-VCF

**REPLY IN SUPPORT OF MOTION FOR  
LEAVE TO PROCEED ANONYMOUSLY  
AND FOR A PROTECTIVE ORDER**

**TABLE OF CONTENTS**

PRELIMINARY STATEMENT .....	1
ARGUMENT.....	1
CONCLUSION.....	5
CERTIFICATE OF SERVICE .....	6

**TABLE OF AUTHORITIES****Cases**

<i>Al Otro Lado, Inc. v. Nielsen</i> , 2017 WL 6541446 (S.D. Cal. Dec. 20, 2017) .....	4
<i>Doe v. Goldman</i> , 169 F.R.D. 138 (D. Nev. 1996) .....	2
<i>Doe v. Mt. Diablo Unified Sch. Dist.</i> , 2018 WL 2317804 (N.D. Cal. May 22, 2018) .....	1, 3
<i>Doe v. Penzato</i> , 2011 WL 1833007 (N.D. Cal. May 13, 2011) .....	2, 3, 4
<i>Doe v. Shakur</i> , 164 F.R.D. 359 (S.D.N.Y. 1996) .....	4
<i>Doe v. Skyline Automobiles Inc.</i> , 375 F. Supp. 3d 401 (S.D.N.Y. 2019) .....	4
<i>Doe v. Weinstein</i> , 484 F. Supp. 3d 90 (S.D.N.Y. 2020) .....	4
<i>Does I thru XXIII v. Advanced Textile Corp.</i> , 214 F.3d 1058 (9th Cir. 2000) .....	1, 3
<i>E.E.O.C. v. ABM Indus. Inc.</i> , 249 F.R.D. 588 (E.D. Cal. 2008) .....	1
<i>Heineke v. Santa Clara University</i> , 2017 WL 6026248 (N.D. Cal. Dec. 5, 2017) .....	2

1 Plaintiff Jane Doe 100 (“Plaintiff”), by and through her undersigned attorneys,  
 2 respectfully submits this memorandum of law in further support of her motion for leave to  
 3 proceed anonymously and for a protective order [ECF No. 29] and in response to Defendants’  
 4 opposition to Plaintiff’s motion for leave to proceed anonymously and for a protective order  
 5 [ECF No. 31 (“Opp.”).]

### 6 **PRELIMINARY STATEMENT**

7 Defendants’ attempt to characterize allegations of horrific sexual abuse as “throwing  
 8 mud” is not only shameful but it is misplaced. The Court’s review is centered on whether, in  
 9 light of serious allegations of sexual violence that occurred when Plaintiff was a minor child,  
 10 she should nevertheless be forced to reveal her identity to the public. More specifically,  
 11 Plaintiff alleges Mitchell Taylor Button and Dusty Button (together, “the Buttons” or  
 12 “Defendants”) conspired to manipulate and rape Plaintiff by exploiting her age and  
 13 vulnerability. [See ECF No. 18 (“Amended Complaint”) ¶¶ 110–26.] Courts in this circuit  
 14 routinely allow plaintiffs to proceed anonymously in similar circumstances. *See, e.g., Doe v.*  
 15 *Mt. Diablo Unified Sch. Dist.*, 2018 WL 2317804, at \*1 (N.D. Cal. May 22, 2018) (collecting  
 16 cases). Plaintiff’s allegations are deeply “sensitive and highly personal.” *Does I thru XXIII v.*  
 17 *Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). Defendants fail to identify any  
 18 risk of harm to Defendants or to the public that would warrant exposing Plaintiff’s identity and  
 19 forever linking her to the trauma she endured. Accordingly, Plaintiff should be permitted to  
 20 proceed anonymously.

### 21 **ARGUMENT**

22 Anonymity is appropriate in this case. *First*, Plaintiff’s claims center on the most  
 23 degrading and painful moments of her life, and disclosure of her true identity would amplify  
 24 the mental anguish for which she is seeking redress. *Id.* at \*2. *Second*, Defendants’ ability to  
 25 “conduct meaningful discovery” and mount a defense will not be prejudiced because Plaintiff  
 26 is willing to “stipulate to protective orders” and disclose her identity to Defendants. *E.E.O.C.*  
 27 *v. ABM Indus. Inc.*, 249 F.R.D. 588, 594 (E.D. Cal. 2008). *Third*, anonymity serves the public

1 interest because forced disclosure of a plaintiff's identity could "deter[] other victims from  
2 coming forward." *Heineke v. Santa Clara University*, 2017 WL 6026248, at \*23 (N.D. Cal.  
3 Dec. 5, 2017).

4 Defendants do not identify a single case where a victim of childhood sexual abuse was  
5 prohibited from proceeding anonymously. Instead, Defendants principally rely on *Doe v.*  
6 *Goldman*, which is entirely inapposite and does not implicate the sensitivities at issue here. 169  
7 F.R.D. 138 (D. Nev. 1996). In that case, an adult police officer alleged a school district violated  
8 his First Amendment rights by "concoct[ing] a scheme" to force him "to undergo psychological  
9 evaluation," including by falsely accusing him of attempting suicide. *Goldman*, 169 F.R.D.  
10 138 at 139. There, the plaintiff sought to remain anonymous because he thought the accusation  
11 he attempted suicide would "cause irreparable harm to his career." *Id.* The court found that  
12 "rumors of mental illness" do not implicate plaintiffs' "utmost privacy," and because the  
13 plaintiff was "concerned mainly with being 'stigmatized' in the employment context," his  
14 concerns about "economic well-being and possible embarrassment or humiliation" were  
15 insufficient to justify anonymity. *Id.* at 141.

16 By contrast, it is well established that where, as here, a case involves allegations of  
17 sexual assault, those allegations implicate serious "trauma and privacy" concerns, and a  
18 plaintiff's "fear [of] public exposure and the stigma of having been victim to such a crime" can  
19 warrant anonymity. *Doe v. Penzato*, 2011 WL 1833007, at \*5 (N.D. Cal. May 13, 2011).  
20 Unlike the plaintiff in *Goldman*, Plaintiff does not "mainly" fear harm in the "employment  
21 context." 169 F.R.D. 138 at 141. To the contrary, Plaintiff's principal concerns are the severe  
22 emotional distress, humiliation, mental anguish, loss of dignity and self-esteem, and  
23 reputational damage that would come as result of public exposure. Defendants boldly assert—  
24 without any support—that "the humiliation risks are far greater for Defendants than for Plaintiff  
25 Doe." Opp. at 5. But Defendants merely risk being held accountable for the sexual abuse they  
26 inflicted on the five plaintiffs to this litigation, as well as countless other victims. Much more  
27 seriously, Plaintiff risks being linked to the trauma Defendants inflicted upon her as a child in

perpetuity. “Such personal embarrassment and emotional injury outweighs any potential prejudice to Defendant.” *Mt. Diablo*, 2018 WL 2317804, at \*2.

Defendants suggest that the media coverage of this lawsuit dictates that Plaintiff’s name be disclosed. *See Opp.* at 2–3. To the contrary, wide-spread public scrutiny of this matter heightens Plaintiff’s need for anonymity. Publication of Plaintiff’s name would compromise “her ability to recover from her trauma.” *Penzato*, 2011 WL 1833007, at \*3. Despite Defendants’ unnecessary accusations and name-calling in their opposition brief, Plaintiff is not “try[ing] this matter in the press.” *Opp.* at 6. The fact that separate plaintiffs to this litigation have chosen to respond to press inquiries in an effort to prevent further abuse has no bearing on the harm that Plaintiff would suffer due to disclosure of her identity, and does not warrant revealing her identity to the public.<sup>1</sup> The other plaintiffs in this matter have independently concluded that they will not suffer emotional harm by proceeding under their real names. Jane Doe 100, on the other hand, has come to a different conclusion. Disclosing Plaintiff’s identity now would cause her severe emotional distress, exacerbating her trauma and inhibiting her ability to heal.

Likewise, Defendants’ adverse publicity does not warrant disclosure of Plaintiff’s identity because Defendants “do not explain how knowledge of plaintiff’s identit[y] will enable them to counter that adverse publicity.” *Advanced Textile Corp.*, 214 F.3d at 1072. Defendants contend, in a conclusory fashion, that “[i]f Plaintiff Doe proceeds anonymously, it will make it far more difficult for them to clear their names.” *Opp.* at 5. But as Defendants themselves admit, Plaintiff’s claims will not damage their reputations beyond that which has already been done. *Opp.* at 6–7 (“Once that bomb was dropped, the Buttons’ lives as they knew them ended

---

<sup>1</sup> Despite extensive media coverage of this lawsuit, Plaintiff’s true identity has not been publicly identified. *See, e.g.,* Julia Jacobs, *Former Dance Instructor Accused of Sexual Assault in Lawsuit*, The New York Times (July 29, 2021), <https://www.nytimes.com/2021/07/29/arts/dance/mitchell-button-dusty-button-abuse.html>; Good Morning America, *Women Accuse Former Ballerina and Husband of Victimized Young Dancers* (Oct. 1, 2021), <https://www.goodmorningamerica.com/news/video/women-accuse-ballerina-husband-victimizing-young-dancers-80346089>.

1 forever.”). Defendants’ crimes have already been widely publicized, including their *modus*  
2 *operandi* of recruiting and sexually abusing young dancers through false promises of  
3 professional support and opportunity. *See* Opp. at 2 n.2–11. “Defendants face public exposure  
4 regardless of whether Plaintiff’s identity is made public, and the allegations against them would  
5 remain the same.” *Penzato*, 2011 WL 1833007, at \*4. Further, Defendants will know  
6 Plaintiff’s identity, and they will be able to fully litigate and investigate the facts underlying her  
7 claims and can directly respond to them in the media if they so choose—they simply would not  
8 be able to use her real name and will only be able to call her by the same pseudonym that the  
9 public will have.

10 Defendants also suggest that Plaintiff’s need for privacy should be ignored absent  
11 “medical corroboration.” Opp. at 6. To support this contention, Defendants cite a string of  
12 Second Circuit cases involving readily distinguishable facts. *See id.* at 5–6. For example, in  
13 *Doe v. Shakur*, the plaintiff conceded that the press had already “known her name for some  
14 time.” 164 F.R.D. 359, 362 (S.D.N.Y. 1996). Additionally, *none* of Defendants’ authorities  
15 involves allegations of a sexual assault occurring when the plaintiff was a minor. *See id.*; *Doe*  
16 *v. Weinstein*, 484 F. Supp. 3d 90, 92 (S.D.N.Y. 2020); *Doe v. Skyline Automobiles Inc.*, 375 F.  
17 Supp. 3d 401 (S.D.N.Y. 2019). In this circuit, where anonymity is warranted to preserve  
18 privacy in a sensitive and highly personal matter, “allegations do not require substantiation of  
19 future harm.” *Al Otro Lado, Inc. v. Nielsen*, 2017 WL 6541446, at \*4 (S.D. Cal. Dec. 20, 2017).  
20 Accordingly, courts in this circuit routinely allow sexual assault victims to proceed  
21 anonymously without medical corroboration. *See, e.g., id.* at \*4; *Penzato*, 2011 WL 1833007.

22 Plaintiff has bravely come forward about her experience in order to seek redress for the  
23 harms she has suffered and to put a stop to Defendants’ abusive conduct. If forced to disclose  
24 her identity, however, Plaintiff’s harms will instead be intensified. Further, other victims could  
25 be deterred from speaking up, thus perpetuating Defendants’ legacy of sexual exploitation and  
26 violence. Plaintiff’s need for anonymity far outweighs any risk of harm to Defendants and  
27 would serve the public interest.

**CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court grant her motion to proceed anonymously and for a protective order.

Dated: October 29, 2021

Respectfully Submitted,

/s/ Lindsey Ruff

LINDSEY RUFF (*pro hac vice*)  
SABINA MARIELLA (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: 212.446.2300  
smariella@bsfllp.com  
lruff@bsfllp.com

RICHARD J. POCKER (NV Bar No. 3568)  
BOIES SCHILLER FLEXNER LLP  
300 South Fourth Street, Suite 800  
Las Vegas, NV 89101  
Telephone: 702.382.7300  
Facsimile: 702.382.2755  
rpocker@bsfllp.com

SIGRID S. MCCAWLEY (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
Telephone: 954.356.0011  
smccawley@bsfllp.com

*Attorneys for Plaintiffs Sage Humphries,  
Gina Menichino, RoseMarie DeAngelo,  
Danielle Gutierrez, and Jane Doe 100*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Reply in Support of Motion for Leave to Proceed Anonymously and for a Protective Order was served on October 29, 2021 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Shilah Wisniewski  
Shilah Wisniewski, an Employee of  
Boies Schiller Flexner LLP